

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MELVIN CLINTON,

Plaintiff,

Case No. 1:24-cv-1110

v.

HONORABLE PAUL L. MALONEY

STATE OF MICHIGAN, et al.,

Defendants.

/

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff initiate this lawsuit by filing his complaint on October 23, 2024. Defendant Mike Knizewski filed a motion for summary judgment. Plaintiff Melvin Clinton filed a motion for summary judgment and sanctions. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on July 10, 2025, recommending that this Court strike Plaintiff's motion from the record and grant Defendant's motion and dismiss the case.¹ The Report and Recommendation mailed to the Plaintiff was returned to the Court marked "return to sender" and "vacant unable to forward".

Even though the Plaintiff has not received a copy of the Report and Recommendation, Plaintiff has been properly served under the Federal Rules of Civil Procedure. As required by statute, the magistrate judge filed the Report and Recommendation with the Court and mailed a copy to the Plaintiff at his last known address. *See* 28 U.S.C. § 636(b)(1)(C) ("The magistrate judge shall file his proposed findings and recommendations under subparagraph (B) with the court

¹ All other Defendants named in Plaintiff's complaint were dismissed by prior Order of the Court issued on December 17, 2024 (ECF No. 10).

and a copy shall forthwith be mailed to all parties.”). Upon placing the Report and Recommendation in the mail to the Plaintiff’s last known address, service was complete. Fed. R. Civ. P. 5(b)(2)(C). Plaintiff has a continuing obligation to apprise the Court of his current address. *See* W.D. Mich. LCivR. 41.1 (“Failure of a plaintiff to keep the Court apprised of his current address shall be grounds for dismissal for want of prosecution.”); *see also White v. City of Grand Rapids*, 34 F. App’x 210, 211 (6th Cir. 2022) (affirming the dismissal of a lawsuit that occurred in part because the plaintiff “failed to keep the district court apprised of his current address”).

After being served with a Report and Recommendation issued by a Magistrate Judge, a party has fourteen days to file written objections to the proposed findings and recommendations. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); *see United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005). Failure to file an objection results in a waiver of the issue and the issue cannot be appealed. *Thomas v. Arn*, 474 U.S. 140, 155 (1985) (upholding the Sixth Circuit’s practice). No objections have been filed to date.

Although the Plaintiff’s failure to file objections is a sufficient reason to adopt the Report and Recommendation, this Court has reviewed the merits of the report and finds the magistrate judge’s reasoning and conclusions sound. Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 18) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff’s Motion for Summary Judgment and Sanctions (ECF No. 16) is STRICKEN FROM THE RECORD.

IT IS FURTHER ORDERED that Defendant Mike Knizewski’s Motion for Summary Judgment (ECF No. 12) is GRANTED.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

A Judgment will be entered consistent with this Order.

Dated: July 28, 2025

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge